

John B. Scherling (SBN 122234)
Scott H. Davison (SBN 228807)
SUGHRUE MION, PLLC
501 West Broadway, Suite 1600
San Diego, California 92101-3595
Telephone: 619.238.3545
Facsimile: 619.238.4931
jscherling@sughrue.com
sdavison@sughrue.com

William H. Mandir (admitted *pro hac vice*)
John F. Rabena (admitted *pro hac vice*)
Carl J. Pellegrini (admitted *pro hac vice*)
Chandran B. Iyer (admitted *pro hac vice*)
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037
Telephone: 202.293.7060
Facsimile: 202.293.7860
wmandir@sughrue.com
jrabena@sughrue.com
cpellegrini@sughrue.com
cbiver@sughrue.com

Attorneys for Plaintiff
GIRAFACOM, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

GIRAFACOM, INC.,

Case No.: 08-2745 RMW (RS)

Plaintiff,

V.

ALEXA INTERNET, INC.; NIALL O'DRISCOLL

Defendants

**DECLARATION OF JOHN B. SCHERLING
IN SUPPORT OF GIRAFÀ'S MOTION TO
FILE EXHIBITS UNDER SEAL PURSUANT
TO CIVIL LOCAL RULE 79-5**

Date: September 5, 2008
Time: 9:00 a.m.
Courtroom: 6, 4th Floor
Judge: Honorable Ronald M. Whyte

I, John B. Scherling, state and declare as follows:

1. I am a partner in the law firm of Sughrue Mion, PLLC, counsel for Girafa.com, Inc.

1 ("Girafa"). I submit this declaration in support of Girafa' Motion to File Exhibits Under Seal
 2 Pursuant to Civil Local Rule 79-5.

3 2. Exhibit C (the March 7, 2008 Declaration of Shirli Ran in Support of Plaintiff
 4 Girafa.com, Inc.'s Motion for Preliminary Injunction in *Girafa.com, Inc. v. Amazon Web Services,*
 5 *LLC, et al.*, District of Delaware Case No. 07-787-SLR) to the contemporaneously-filed Declaration
 6 of John B. Scherling in Support of Plaintiff's Oppositions to Defendants' (1) Motion to Dismiss
 7 Plaintiff's Third Claim for Relief Under Fed. R. Civ. P. 12(b)(6), (2) Special Motion to Strike
 8 Plaintiff's Third Claim for Relief and (3) Motion to Dismiss, Transfer or Stay herein previously was
 9 filed under seal in the referenced action in the District of Delaware. Upon information and belief,
 10 this document contains confidential information of Girafa. A redacted public version of Exhibit C is
 11 attached as Exhibit A to the contemporaneously-filed Declaration of John B. Scherling in Support of
 12 Plaintiff's Oppositions to Defendants' (1) Motion to Dismiss Plaintiff's Third Claim for Relief
 13 Under Fed. R. Civ. P. 12(b)(6), (2) Special Motion to Strike Plaintiff's Third Claim for Relief and
 14 (3) Motion to Dismiss, Transfer or Stay.

15 3. Exhibit L (the March 12, 2008 Declaration of Dr. Brad Myers in *Girafa.com, Inc. v.*
 16 *Amazon Web Services, LLC, et al.*, District of Delaware Case No. 07-787-SLR) to the
 17 contemporaneously-filed Declaration of John B. Scherling in Support of Plaintiff's Oppositions to
 18 Defendants' (1) Motion to Dismiss Plaintiff's Third Claim for Relief Under Fed. R. Civ. P. 12(b)(6),
 19 (2) Special Motion to Strike Plaintiff's Third Claim for Relief and (3) Motion to Dismiss, Transfer
 20 or Stay herein previously was filed under seal in the referenced action in the District of Delaware.
 21 Upon information and belief, this document contains confidential information of Girafa.

22 I declare under penalty of perjury that the foregoing is true and correct.

24 DATED: August 15, 2008

25 By: s/ John B. Scherling
 26 John B. Scherling